

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

|    |                                 |   |                                      |
|----|---------------------------------|---|--------------------------------------|
| 11 | LPL FINANCIAL CORPORATION,      | ) | Case No. 08cv0038-JAH(BLM)           |
|    | formerly known as               | ) |                                      |
| 12 | LINSCO/PRIVATE LEDGER CORP,     | ) | <b>ORDER TAKING SANCTIONS ISSUE</b>  |
|    |                                 | ) | <b>UNDER SUBMISSION AND VACATING</b> |
| 13 | Plaintiff,                      | ) | <b>HEARING</b>                       |
|    |                                 | ) |                                      |
| 14 | v.                              | ) |                                      |
|    |                                 | ) |                                      |
| 15 | FIDELITY AND DEPOSIT COMPANY OF | ) |                                      |
|    | MARYLAND,                       | ) |                                      |
| 16 |                                 | ) |                                      |
|    | Defendant.                      | ) |                                      |
| 17 | _____                           | ) |                                      |

On July 8, 2008, this Court issued an order to show cause ("OSC") why sanctions should not be imposed for Plaintiff's failure to provide a corporate representative with full and complete settlement authority at the July 7, 2008 Early Neutral Evaluation Conference. Doc. No. 16. Plaintiff submitted a letter and declaration in response to the OSC<sup>1</sup> and also requested that the

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<sup>1</sup> Plaintiff explains that it submitted the letter directly to chambers instead of filing it due to the extremely sensitive nature of the settlement discussions in the case. Because Plaintiff indicates in the letter that Defendant has been served with both the letter and the declaration, the Court will accept and consider both. If necessary, Defendant may submit its response

1 hearing date be continued due to counsel's unavailability. The  
2 deadline set by the Court for Defendant to file a responsive  
3 declaration has not yet passed. See id.

4 In light of the briefing submitted and counsel's scheduling  
5 conflicts, the Court finds it appropriate to take this matter under  
6 submission upon completion of the briefing pursuant to Civil Local  
7 Rule 7.1(d)(1). Accordingly, the hearing set for July 22, 2008 at  
8 9:00 a.m. is hereby **VACATED**.

9 **IT IS SO ORDERED.**

10 DATED: July 16, 2008

11 

12 BARBARA L. MAJOR  
13 United States Magistrate Judge

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15  
16 COPY TO:

17 HONORABLE JOHN A. HOUSTON  
18 U.S. DISTRICT JUDGE

19 ALL COUNSEL AND PARTIES  
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\_\_\_\_\_ directly to chambers as well.